IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

MFA.No. 933 of 2000()

AGAINST THE AWARD DATED 29.2.2000 IN O.P.(MV)NO.334/95 OF M.A.C.T.,PERUMBAVOOR

APPELLANT/PETITIONER:

VARGHESE,S/O.OUSEPH,
KERIYADAM HOUSE, KOOVAPPADI P.O.,
KOODALAPADU.

BY ADV. SRI.A.SHAFEEK
SRI.M.A.ABDUL HAKHIM

RESPONDENTS/RESPONDENTS:

1.BINDU VARGHESE, D/O.VARGHESE,
PAYYAPPURAM HOUSE, IRINGOLE P.O.,
PERUMBAVOOR.

2.MOHAN RAM,S/O.RAMANKUTTY,NALINI VILLA, KARAKKODUKARA, VAZHIKKADU VILLAGE, MALAPPURAM DISTRICT, NOW RESIDING AT PHATNIKKAL LODGE, NEAR YAKOBAYA CHURCH, PERUMBAVOOR.

3.NATIONAL INSURANCE CO. LTD., P.B.NO.24,
P.M.C.9/36A, A.M.ROAD, MUVATTUPUZHA.

BY ADV. SRI.E.M.JOSEPH FOR R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.933 OF 2000 ()

Dated this the 23rd day of May, 2007

J U D G M E N T

KOSHY,J.

Appellant met with an accident by which he suffered abrasion and contusion left ankle of foot and fracture of malleolus (L) leg. No permanent disability was caused to the appellant. Therefore Tribunal did not award any compensation for permanent disability or loss of earning power. Ext.A5 wound certificate and Ext.A6 discharge card shows that he was treated in the hospital as inpatient for four days. Tribunal found that he was unable to do any work for two months and hence granted Rs.2,000/- for loss of earning. If notional income as per the second schedule is calculated, his monthly income has been calculated as Rs.1,250/- and if that be so, he will be entitled to get Rs.500/- more on that count. Petitioner has claimed Rs.10,000/- towards medical expenses. Tribunal has awarded only Rs.1,000/- as petitioner has spent only

Rs.984/- towards treatment. We are of the opinion that the entire medical expenses are not covered by bills. He had fracture and hence he will be entitled to get Rs.1,000/- more on that count. Petitioner has suffered fracture and he was an agricultural worker and for pain and sufferings only Rs.5,000/- was allowed. We are of the opinion that Rs.7,500/- ought have been awarded. Hence Rs.2,500/- ought to have been granted under this count. So petitioner is entitled to an additional amount of Rs.4,000/- more. Third respondent Insurance company is directed to deposit the amount with 9% interest from the date of petition till realisation. Accordingly this appeal is allowed partly.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.933 OF 2000 ()

J U D G M E N T

23rd May, 2007